



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the General Counsel

Office of the Chief Counsel
Food and Drug Administration
5600 Fishers Lane, GCF-1
Rockville, MD 20857

February 7, 2005

Departmental Appeals Board
Room 637-D
Hubert H. Humphrey Bldg.
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1061
5630 Fishers Lane
Rockville, MD 20857

Re: In re Korangy Radiology Associates, P.A., et al.
FDA Docket No. 2003H-0432

Dear Sir or Madam:

Enclosed for filing in the above-captioned matter is the original and one copy of Complainant's Motion for Extension of Time for Complainant to File its Response to Respondents' Appeal and a Proposed Order. If you have any questions, please call me at (301) 827-1189. Thank you.

Sincerely,

Marci B. Norton

Marci B. Norton
Associate Chief Counsel
for Enforcement

Enclosure

cc w/encl.:

Henry E. Schwartz, Esq.

2003H-0432

RMO 4

BEFORE THE DEPARTMENTAL APPEALS BOARD
DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the Matter of)	
KORANGY RADIOLOGY ASSOCIATES, P.A.,)	FOOD AND DRUG
trading as BALTIMORE IMAGING CENTERS,)	ADMINISTRATION
a corporation,)	ADMINISTRATIVE COMPLAINT
and)	FOR CIVIL MONEY PENALTY
AMILE A. KORANGY, M.D.,)	FDA Docket: 2003H-0432
an individual.)	


MOTION FOR EXTENSION OF TIME FOR COMPLAINANT
TO FILE ITS RESPONSE TO RESPONDENTS' APPEAL

Counsel for the Center for Devices and Radiological Health (CDRH) hereby respectfully requests, pursuant to 21 C.F.R. § 17.47(b)(2), that the Departmental Appeals Board (DAB) grant a ten-day extension of time for Complainant to file its response to Respondents' appeal. CDRH's counsel has conferred with defendants' counsel, Henry Schwartz, and Mr. Schwartz does not oppose a ten-day extension for CDRH to file its response.

Respondents filed their appeal on January 13, 2005. Under 21 C.F.R. § 17.47(d), Complainant's response is due within thirty of receiving the notice of appeal and accompanying brief, which is February 14, 2005. Respondents raise numerous issues in their appeal that Complainant intends to address thoroughly in its response, however, Complainant's counsel have additional court deadlines within the time remaining for it to file its response

to Respondents' appeal. Additionally, one of Complainant's attorneys will be on travel for work the entire week of February 7, 2005. Accordingly, Complainant respectfully requests a ten day extension of time for responding to the appeal, making its response due on February 24, 2005. Complainant makes this request for extension of time within the initial 30-day period for responding, as required under 21 C.F.R. § 17.47(b)(2).
DATED: February 7, 2005.

Respectfully submitted,



Marci B. Norton
Attorney for Complainant
Center for Devices and Radiological Health
5600 Fishers Lane (GCF-1)
Rockville, MD 20857
Telephone: (301) 827-1189

BEFORE THE DEPARTMENTAL APPEALS BOARD
DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the Matter of)	FOOD AND DRUG
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and)	FDA Docket: 2003H-0432
)	
AMILE A. KORANGY, M.D.,)	
an individual.)	

PROPOSED ORDER

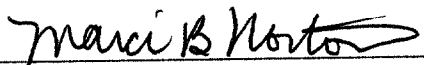
On February 7, 2005, Complainant, Center for Devices and Radiological Health, filed a Motion for Extension of Time for Complainant to File its Response to Respondents' Appeal, requesting an additional ten days to file its response. Counsel for defendants does not oppose Complainant's request. The Departmental Appeals Board has determined that good cause exists for an extension of time.

Accordingly, it is ORDERED, ADJUDGED, AND DECREED that:

Complainant's request for an additional ten days to file its response to Respondent's appeal is GRANTED, and Complainant's response is now due on February 24, 2005.

Departmental Appeals Board
Room 637-D
Hubert H. Humphrey Bldg.
200 Independence Avenue, S.W.
Washington, D.C. 20201

Proposed by:

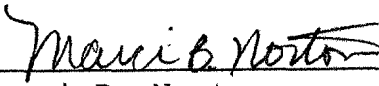


Marci B. Norton
Attorney for Complainant

CERTIFICATE OF SERVICE

I hereby certify that, on this 7th day of February, 2005, I have caused a copy of the foregoing Motion for Extension of Time for Complainant to File its Response to Respondents' Appeal and Proposed Order to be served by Federal Express overnight delivery, on:

Henry E. Schwartz
Henry E. Schwartz LLC
Attorney for Respondents
901 Dulaney Valley Road, Suite 400
Towson, MD 21204



Marci B. Norton
Attorney for Complainant
5600 Fishers Lane (GCF-1)
Rockville, MD 20857